

Sr. No.203

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-3399 of 2018 (O&M)

Date of Decision: 27.04.2018

Inderjit Kaur Chawla

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. A.S.Gill, Advocate,
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

Mr. K.P.Singh, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.539 dated 25.10.2017, under Sections 420 and 120-B of IPC, registered at Police Station Civil Lines, Amritsar.

While Issuing notice of motion, the following order was passed by this Court on 25.01.2018:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.539 dated 25.10.2017, under Sections 420 and 120-B of IPC, registered at Police Station Civil Lines, Amritsar.

Allegations are against Paramjit Singh i.e. husband of the present petitioner in having misused a 'power of attorney' and having fraudulently executed a

sale deed dated 26.06.2014 in respect of a residential house in favour of the present petitioner.

Counsel for the petitioner argues that Gian Singh has already filed a civil suit seeking declaration for setting aside the sale deed dated 26.06.2014 and which is pending before the competent Court.

It is argued that under such circumstances, custodial interrogation of the petitioner is not warranted and she is otherwise ready and willing to join investigation.

Notice of motion, returnable for 12.03.2018.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

On the last date of hearing, counsel for the complainant had objected to the prayer for grant of concession of pre arrest bail by submitting that co-accused i.e. husband of the present petitioner has also proceeded abroad and has not joined the investigating process. Accordingly, it was urged that there are chances that the petitioner may also flee from the process of law.

In the light of such contention raised by counsel for the complainant, on the previous date of hearing i.e. on 12.03.2018 this Court had directed the petitioner to surrender her passport before the investigating agency.

During the course of hearing today, State counsel

apprises the Court that the petitioner has since joined investigation and has even surrendered her passport.

It is submitted that investigation process is at the concluding stage and the challan would be submitted shortly.

It has also gone uncontroverted that husband of the complainant, namely, Gyan Singh has already instituted a civil suit seeking declaration for setting aside the sale deed dated 26.06.2014 and which was alleged to have been executed by misusing a 'power of attorney'.

In the totality of the circumstances, without making any observations on merits and keeping in view the fact that petitioner has already joined investigation, prayer made in the instant petition is accepted.

Order dated 25.01.2018, passed by this Court is made absolute.

Further directions are issued that at the stage of presentation of challan, passport of the petitioner would be deposited with the trial Court by the Investigating Agency.

Disposed of.

27.04.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No